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FOR IMMEDIATE RELEASE  
Wednesday, February 19, 2003

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## Kuipers Resolution Opposes Further Gaming Compacts

*'Issue is embroiled in controversy' says Senator*

(LANSING) – A Senate Concurrent Resolution opposing the approval of any new tribal-state gaming compacts was introduced today by state Senator Wayne Kuipers, R-Holland.

“In spite of the existence of tribal gaming facilities in several areas of our state, the process of negotiating, approving and implementing tribal-state gaming compacts remains embroiled in controversy,” Kuipers said. “This resolution opposes the approval of any new tribal-state gaming compacts until all pending court cases have been decided.”

A key point in the litigation that has taken place to date is the question of how the Legislature approves tribal-state gaming compacts. In November 2002, the Michigan Court of Appeals ruled on the question of whether approval can be by resolution instead of by bill. However, given the significant differences between the requirements for a bill and a resolution, appeal on this critical question seems likely.

In addition, the United States Supreme Court's decision in *Seminole Tribe of Florida v Florida* upheld the Eleventh Amendment and made unenforceable the right of tribal governments to bring suits against states in federal court for failure to negotiate in good faith.

According to the Resolution, nothing exists in the federal Indian Gaming

**(More)**

Regulatory Act of 1988 that bestows the Secretary of the Interior with the authority to allow tribal operation of Class III gaming and bypass the compact-development process established by law.

“The approval of any new gaming compacts would be premature until all pending litigation is resolved,” Kuipers said. “Apart from the formidable legal questions of authority involved, the issue of determining the location and operation of any major gaming facility ought to include the significant input and approval of the local area community.”